

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District California on the ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 12-03587 RS	DATE FILED 7/10/2012	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16 th Floor, San Francisco CA 94102
PLAINTIFF FUJIFILM CORPORATION		DEFENDANT MOTOROLA MOBILITY HOLDINGS, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,144,763		
2 6,915,119		
3 7,327,884		
4 5,734,427		
5 8,306,285		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		***see attach first amended complaint***
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gina Agustine-Rivas	DATE November 20, 2012
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

1 “settings,” including “Face Detection.”

2 40. Motorola’s infringement has injured and damaged Fujifilm. Fujifilm is entitled to
3 recover damages adequate to compensate Fujifilm for Motorola’s infringing activities in an
4 amount to be determined at trial, but in no event less than a reasonable royalty, together with
5 interest and costs.

6 41. Unless and until enjoined by this Court, Motorola’s acts of infringement will
7 continue to damage Fujifilm irreparably.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff Fujifilm requests that this Court enter judgment:

10 a. finding that Motorola has infringed and is infringing the ’763, ’119, ’886,
11 ’427 and ’285 patents;

12 b. preliminarily and permanently enjoining Motorola and its officers,
13 directors, agents, servants, employees, parents, subsidiaries, principals, and all other persons in
14 active concert or participation with them from further infringement of the ’763, ’119, ’886, ’427
15 and ’285 patents;

16 c. requiring Motorola to pay damages pursuant to 35 U.S.C. § 284 in an
17 amount to be determined at trial;

18 d. awarding increased damages, pursuant to 35 U.S.C. § 284, by reason of
19 Motorola’s willful infringement of the ’763, ’119, ’886, ’427 and ’285 patents;

20 e. ordering Motorola to pay damages for any post-trial, pre-judgment
21 infringement in an amount determined by the Court;

22 f. ordering Motorola to pay pre-judgment interest, costs, and expenses to
23 Fujifilm;

24 g. ordering Motorola to pay post-judgment interest until paid at the maximum
25 lawful rate;

26 h. declaring this case exceptional under 35 U.S.C. § 285 and awarding
27 Fujifilm its reasonable attorneys fees, expenses and costs incurred; and

28 i. granting Fujifilm such other and further relief as this Court may deem just

1 and equitable, or that Fujifilm may be entitled to as a matter of law or equity.
2
3

4 Dated: November 19, 2012

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

7 By /s/ Daniel Johnson, Jr.

DANIEL JOHNSON, JR.

Attorneys for Plaintiff

FUJIFILM CORPORATION

JURY DEMAND

Plaintiff Fujifilm Corporation demands a trial by jury.

Dated: November 19, 2012

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Daniel Johnson, Jr.

DANIEL JOHNSON, JR.

Attorneys for Plaintiff

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15 FUJIFILM CORPORATION

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION
19

20 FUJIFILM CORPORATION, a Japanese
Corporation,

21 Plaintiff,

22 v.

23 MOTOROLA MOBILITY LLC, a
24 Delaware Limited Liability Company,

25 Defendant.

Case No. C 12-03587 RS

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Fujifilm Corporation ("Fujifilm") for its complaint against Defendant Motorola
2 Mobility LLC ("Motorola") alleges as follows:

3 **PARTIES**

4 1. Plaintiff Fujifilm is organized under the laws of Japan with its principal place of
5 business at Midtown West, 7-3, Akasaka 9-chome, Minato-ku, Tokyo 107-0052, Japan.

6 2. Fujifilm is a worldwide leader in photography. Fujifilm's original business was in
7 the area of photographic film. As technology progressed, Fujifilm was one of the earliest
8 companies to expand its business into digital photography and image processing. In 1988,
9 Fujifilm was the first company to develop, and then to market, a consumer digital camera. In the
10 ensuing years, Fujifilm has become a recognized leader and innovator in the areas of digital
11 cameras, digital photography, and digital image processing. Fujifilm holds more than 1,000
12 United States patents related to digital imaging. Starting from that first digital camera in 1988,
13 Fujifilm has developed and now sells an extensive line of digital cameras. The value of
14 Fujifilm's intellectual property has been recognized in the market through, among other things,
15 the success of Fujifilm's products and Fujifilm's licensing of its technology to others in the field
16 of digital imaging.

17 3. On information and belief, Motorola Mobility LLC is organized under the laws of
18 Delaware, with a principal place of business at 600 N. U.S. Highway 45, Libertyville, IL 60048-
19 1296. Motorola has sold and sells mobile phones with digital cameras incorporated therein.

20 **JURISDICTION AND VENUE**

21 4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et*
22 *seq.*, for infringement by Motorola of United States patents owned by Fujifilm. This Court has
23 jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

24 5. This Court has personal jurisdiction over Motorola because Motorola does
25 business in the State of California. Motorola maintains a place of business in the Northern
26 District of California at 809 Eleventh Avenue, Sunnyvale, CA 94089-4731, and engages in acts of
27 infringement within this District.

28 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(d) and

1 1400(b).

2 **INTRADISTRICT ASSIGNMENT**

3 7. This action for patent infringement is assigned on a district-wide basis under Civil
4 L.R. 3-2(c).

5 **COUNT I**

6 **(Infringement of U.S. Patent No. 6,144,763)**

7 8. Fujifilm realleges and incorporates by reference the allegations stated in
8 Paragraphs 1 through 7.

9 9. Fujifilm is the owner of U.S. Patent No. 6,144,763 (“the ’763 patent”), entitled
10 “Method and Apparatus for Compression Coding of Image Data Representative of a Color Image
11 and Digital Camera Including the Same.” The ’763 patent was duly and legally issued by the
12 U.S. Patent and Trademark Office on November 7, 2000. A true and correct copy of the ’763
13 patent is attached as Exhibit 1. The patent is generally directed to converting captured color
14 images to monochrome images.

15 10. On information and belief, Motorola directly infringes the ’763 patent under 35
16 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, or
17 importing into the United States, products covered by at least claims 1-2 of the ’763 patent. The
18 accused products include at least Motorola’s Droid X , Xyboard 10.1, Xyboard 8.2, Droid 4, Razr
19 Maxx, Razr, Admiral, Droid Bionic, Atrix 2, Electrify, Droid 3, Photon 4G, Triumph, XPRT,
20 Theory, Droid X2, Xoom, Atrix 4G, Droid 2-Global, Droid Pro, CLIQ, CLIQ XT, and DEFY
21 mobile phones/tablets. On information and belief, these mobile phones/tablets have a
22 monochrome feature wherein captured color images are converted into monochrome images as
23 recited in the aforementioned patent claims.

24 11. On information and belief, Motorola has actively induced others to infringe the
25 ’763 patent in violation of 35 U.S.C. § 271(b), including at least by promoting, advertising, and
26 instructing others on the features and uses of at least the aforementioned mobile phones/tablets,
27 with knowledge of the ’763 patent and knowledge that the encouraged activities infringed the
28 patent. For example, the Droid X User’s Guide [Verizon Wireless] on page 23 describes “Photo

Options,” which allows the user to “adjust the camera to optimize your shot,” by providing “effects” including “black and white” operation or “normal,” *i.e.*, color, operation.

12. Fujifilm gave Motorola written notice of its infringement at least as early as April 2011. Fujifilm representatives also engaged in face-to-face meetings with Motorola representatives where the infringing activities were explained in detail to Motorola. Nonetheless, Motorola has continued to infringe. On information and belief, Motorola’s infringement has been with knowledge of the ’763 patent and without any valid defense and is, has been, and continues to be willful and deliberate.

13. Motorola’s infringement has injured and damaged Fujifilm. Fujifilm is entitled to recover damages adequate to compensate Fujifilm for Motorola’s infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs.

14. Unless and until enjoined by this Court, Motorola’s acts of infringement will continue to damage Fujifilm irreparably.

COUNT II

(Infringement of U.S. Patent No. 6,915,119)

15. Fujifilm realleges and incorporates by reference the allegations stated in Paragraphs 1 through 7.

16. Fujifilm is the owner of U.S. Patent No. 6,915,119 (“the ’119 patent”), entitled “Telephone and Data Transmitting Method for Telephone.” The ’119 patent was duly and legally issued by the U.S. Patent and Trademark Office on July 5, 2005. A true and correct copy of the ’119 patent is attached as Exhibit 2. The patent is generally directed to a telephone that can communicate with other devices (*e.g.*, a computer) over a path other than the telephone network.

17. On information and belief, Motorola directly infringes the ’119 patent under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, or importing into the United States, products covered by at least claims 13 and 36 of the ’119 patent. The accused products include at least Motorola’s i867, Xyboard 10.1, Xyboard 8.2, Droid 4, Razr Maxx, Razr, Admiral, Droid Bionic, Atrix 2, Electrify, Droid 3, Photon 4G, Triumph,

1 XPRT, Titanium, Droid X2, Clutch, i412, Milestone X, Brute i686, Xoom, Atrix 4G, Droid 2-
2 Global, Droid Pro, Droid X, CLIQ, CLIQ XT, and DEFY mobile phones/tablets. On information
3 and belief, these mobile phones/tablets have Bluetooth and/or Wi-Fi capabilities that allow them
4 to communicate with other devices, such as a computer, in the patented manner.

5 18. On information and belief, Motorola has actively induced others to infringe the
6 '119 patent in violation of 35 U.S.C. § 271(b), including at least by promoting, advertising, and
7 instructing others on the features and uses of at least the aforementioned mobile phones/tablets,
8 with knowledge of the '119 patent and knowledge that the encouraged activities infringed the
9 patent. For example, the Droid X User's Guide [Verizon Wireless] on page 41 describes "[y]ou
10 can set up your phone as a Wi-Fi hotspot to provide portable, convenient internet access to other
11 Wi-Fi enabled devices."

12 19. Fujifilm gave Motorola written notice of its infringement at least as early as April
13 2011. Fujifilm representatives also engaged in face-to-face meetings with Motorola
14 representatives where the infringing activities were explained in detail to Motorola. Nonetheless,
15 Motorola has continued to infringe. On information and belief, Motorola's infringement has been
16 with knowledge of the '119 patent and without any valid defense and is, has been, and continues
17 to be willful and deliberate.

18 20. Motorola's infringement has injured and damaged Fujifilm. Fujifilm is entitled to
19 recover damages adequate to compensate Fujifilm for Motorola's infringing activities in an
20 amount to be determined at trial, but in no event less than a reasonable royalty, together with
21 interest and costs.

22 21. Unless and until enjoined by this Court, Motorola's acts of infringement will
23 continue to damage Fujifilm irreparably.

24 COUNT III

25 (Infringement of U.S. Patent No. 7,327,886)

26 22. Fujifilm realleges and incorporates by reference the allegations stated in
27 Paragraphs 1 through 7.

28 23. Fujifilm is the owner of U.S. Patent No. 7,327,886 ("the '886 patent"), entitled

1 “Photographing Apparatus, Method and Program.” The ’886 patent was duly and legally issued
2 by the U.S. Patent and Trademark Office on February 5, 2008. A true and correct copy of the
3 ’886 patent is attached as Exhibit 3. The patent generally concerns face detection in digital
4 photography.

5 24. On information and belief, Motorola directly infringes the ’886 patent under 35
6 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, or
7 importing into the United States, products covered by at least claim 11 of the ’886 patent. The
8 accused products include at least Motorola’s Droid 2 Global, Droid Bionic, Atrix 2, Electrify,
9 Droid 3, Photon 4G, XPRT, Droid X2, Droid Pro, and Droid X mobile phones. On information
10 and belief, these mobile phones incorporate cameras with the claimed face detection features.

11 25. On information and belief, Motorola has actively induced others to infringe the
12 ’886 patent in violation of 35 U.S.C. § 271(b), including at least by promoting, advertising, and
13 instructing others on the features and uses of at least the aforementioned mobile phones, with
14 knowledge of the ’886 patent and knowledge that the encouraged activities infringed the patent.
15 For example, the Droid X User’s Guide [Verizon Wireless] on page 25 describes various camera
16 “settings,” including “Face Detection.”

17 26. Fujifilm gave Motorola written notice of its infringement at least as early as April
18 2011. Fujifilm representatives also engaged in face-to-face meetings with Motorola
19 representatives where the infringing activities were explained in detail to Motorola. Nonetheless,
20 Motorola has continued to infringe. On information and belief, Motorola’s infringement has been
21 with knowledge of the ’886 patent and without any valid defense and is, has been, and continues
22 to be willful and deliberate.

23 27. Motorola’s infringement has injured and damaged Fujifilm. Fujifilm is entitled to
24 recover damages adequate to compensate Fujifilm for Motorola’s infringing activities in an
25 amount to be determined at trial, but in no event less than a reasonable royalty, together with
26 interest and costs.

27 28. Unless and until enjoined by this Court, Motorola’s acts of infringement will
28 continue to damage Fujifilm irreparably.

COUNT IV

(Infringement of U.S. Patent No. 5,734,427)

29. Fujifilm realleges and incorporates by reference the allegations stated in Paragraphs 1 through 7.

30. Fujifilm is the owner of U.S. Patent No. 5,734,427 (“the ’427 patent”), entitled “High Resolution Electronic Still Camera with an Electronic Viewfinder for Displaying a Reduced Image.” The ’427 patent was duly and legally issued by the U.S. Patent and Trademark Office on March 31, 1998. A true and correct copy of the ’427 patent is attached as Exhibit 4. The patent generally concerns image processing that allows a high-resolution image captured by an image sensor to be displayed on a lower resolution viewfinder.

31. On information and belief, Motorola directly infringes the ’427 patent under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, or importing into the United States, products covered by at least claims 1 and 6 of the ’427 patent. The accused products include at least Motorola’s DEFY, CLIQ 2, Droid X2, Droid X, and Droid 2 Global mobile phones. On information and belief, these mobile phones have a viewfinder that displays an image captured by a high-resolution image sensor as claimed in the patent.

32. On information and belief, Motorola has actively induced others to infringe the ’427 patent in violation of 35 U.S.C. § 271(b), including at least by promoting, advertising, and instructing others on the features and uses of at least the aforementioned mobile phones, with knowledge of the ’427 patent and knowledge that the encouraged activities infringed the patent. For example, the Droid X User’s Guide [Verizon Wireless] on page 23 describes that “**Picture Resolution is Widescreen** or 6MP, unless you change it.” 6 MP refers to 6 megapixels. As resolution of the viewfinder display is less than 0.5 MP, the captured image must be reduced for display on the viewfinder.

33. Fujifilm gave Motorola written notice of its infringement at least as early as April 2011. Fujifilm representatives also engaged in face-to-face meetings with Motorola representatives where the infringing activities were explained in detail to Motorola. Nonetheless, Motorola has continued to infringe. On information and belief, Motorola’s infringement has been

1 with knowledge of the '427 patent and without any valid defense and is, has been, and continues
2 to be willful and deliberate.

3 34. Motorola's infringement has injured and damaged Fujifilm. Fujifilm is entitled to
4 recover damages adequate to compensate Fujifilm for Motorola's infringing activities in an
5 amount to be determined at trial, but in no event less than a reasonable royalty, together with
6 interest and costs.

7 35. Unless and until enjoined by this Court, Motorola's acts of infringement will
8 continue to damage Fujifilm irreparably.

9 **COUNT V**

10 **(Infringement of U.S. Patent No. 8,306,285)**

11 36. Fujifilm realleges and incorporates by reference the allegations stated in
12 Paragraphs 1 through 7.

13 37. Fujifilm is the owner of U.S. Patent No. 8,306,285 ("the '285 patent") entitled
14 "Photographing Apparatus, Method and Program." The '285 patent was duly and legally issued
15 by the U.S. Patent and Trademark Office on November 6, 2012. A true and correct copy of the
16 '285 patent is attached as Exhibit 5. The patent generally concerns processing for whether a face
17 is included in a frame and if so, the facial position is detected in the frame and stored.

18 38. On information and belief, Motorola directly infringes the '285 patent under 35
19 U.S.C. § 271(a) by making, using, offering to sale, and/or selling in the United States, or
20 importing into the United States products covered by at least claims 2-3 of the '285 patent. The
21 accused products include at least Motorola's Droid 2 Global, Droid Bionic, Atrix 2, Electrify M,
22 Droid 3, Photon 4G, XPRT, Droid X2, Droid Pro, and Droid X mobile phones. On information
23 and belief, these mobile phones incorporate cameras with the claimed face detection features.

24 39. On information and belief, Motorola has actively induced others to infringe the
25 '886 patent in violation of 35 U.S.C. § 271(b), including at least by promoting, advertising, and
26 instructing others on the features and uses of at least the aforementioned mobile phones, with
27 knowledge of the '285 patent and knowledge that the encouraged activities infringed the patent.

28 For example, the Droid X User's Guide [Verizon Wireless] on page 25 describes various camera